

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID MCKITHEN,

Plaintiff,

**9:15-cv-1109
(GLS/DJS)**

v.

L. SEERY et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

David McKithen

Pro Se

14-B-0191

Southport Correctional Facility

P.O. Box 2000

Pine City, NY 14871

FOR THE DEFENDANTS:

Hon. Eric T. Schneiderman

New York State Attorney General

The Capitol

Albany, NY 12224

JUSTIN L. ENGEL

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

On January 29, 2016, the court ordered plaintiff to notify the court by February 11, 2016 of his current address and/or verify that his mailing

address is as listed in the caption of this Order. (Dkt. No. 20 at 5.) The court warned plaintiff that his failure to comply with the Order would result in dismissal, and a copy of the Order was sent to plaintiff's last known address. (*Id.*) Plaintiff has failed to so notify the court.

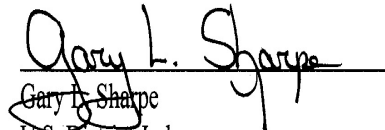
Accordingly, it is hereby

ORDERED that this action is **DISMISSED** for plaintiff's failure to notify the court of his address change, for failure to prosecute, and failure to comply with the court's Order; and it is further

ORDERED that the Clerk serve this Decision and Order on the plaintiff at his last known address and on all other parties in accordance with the Local Rules.

IT IS SO ORDERED.

February 16, 2016
Albany, New York



Gary L. Sharpe
U.S. District Judge